



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**ATTORNEY DOCKET NO. 039386-0512**

Applicant: Roger COLEMAN et al.  
Title: NOVEL HUMAN JAK2 KINASE  
Appl. No.: 09/467,100  
Filing Date: 12/10/1999  
Examiner: R. Hutson  
Art Unit: 1652

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, INCYTE CORPORATION, having its principal place of business at Experimental Station, Route 141 and Henry Clay Road, Building E336/225, Wilmington, Delaware 19880, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/467,100, filed December 10, 1999, which is a divisional of U.S. Patent Application No. 09/196,480, filed November 19, 1998, now U.S. Patent No. 6,019,966, which is a divisional of U.S. Patent Application No. 08/567,508, filed December 5, 1995, now U.S. Patent No. 5,914,393, by virtue of an Assignment filed and recorded on March 25, 1996, on Reel/Frame 007984/0461, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A.

Your Petitioner, INCYTE CORPORATION, hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 5,914,393, and hereby agrees that any patent so granted on the above identified patent

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application shall be enforceable only for and during such period that the legal title to U.S. Patent 5,914,393 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns. In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 5,914,393 as defined in 35 U.S.C. §154-§156 and §173, in the event that U.S. Patent 5,914,393 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 U.S.C. §154, prior to the full statutory term of U.S. Patent 5,914,393 as defined in 35 U.S.C. §154-§156 and §173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 5,914,393, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §155, §155A or §156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that she has reviewed the Assignment attached as APPENDIX A, and to the best of her knowledge and belief, legal title to the above identified patent application and U.S. Patent 5,914,393 rests with Petitioners, INCYTE CORPORATION. The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements

may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Jan 28, 2005

Date

FOLEY & LARDNER LLP

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Michele M. Simkin

Michele M. Simkin

Attorney for Applicant

Registration 34,717

*File*



PF-0049 US

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SEPTEMBER 09, 1996

PTAS

INCYTE PHARMACEUTICALS, INC.  
BARBARA J. LUTHER  
3174 PORTER DRIVE  
PALO ALTO, CALIFORNIA 94304



\*100213506A\*

SEP 13 1996

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Incyte Pharmaceuticals, Inc.  
Legal Dept.

FEB - 4 2005

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

TECH CENTER 1600/290L

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/25/1996

REEL/FRAME: 7984/0461  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
COLEMAN, ROGER

DOC DATE: 02/29/1996

ASSIGNOR:  
STUART, SUSAN G.

DOC DATE: 02/27/1996

ASSIGNEE:  
INCYTE PHARMACEUTICALS, INC.  
3174 PORTER DRIVE  
PALO ALTO, CALIFORNIA 94304

SERIAL NUMBER: 08567508  
PATENT NUMBER:

FILING DATE: 12/05/1995  
ISSUE DATE:

DIANE RUSSELE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

06-18-1996

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

Atty Dkt No: PF-6049 US

To the Commissioner of Patents

all documents or copy thereof.

## 1. Name of conveying party(ies):

Roger Coleman and Susan G. Stuart

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment ☐ Merger☐ Security Agreement ☐ Change of Name☐ Other:

Execution Date: 2/29/96, 2/27/96, respectively

## 2. Name and address of receiving party(ies):

Name: INCYTE PHARMACEUTICALS, INC.

Internal Address:

Street Address: 3174 Porter DriveCity: Palo Alto State: CaliforniaZIP: 94304Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

08/567,508

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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## 5. Name and address of party to whom correspondence concerning document should be mailed:

Barbara J. Luther, Esq.  
INCYTE PHARMACEUTICALS, INC.  
3174 Porter Drive  
Palo Alto, California 943046. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41): \$ 40.00☐ Enclosed☒ Authorized to be charged to deposit account

## 8. Deposit account number:

09-0108

## DO NOT USE THIS SPACE

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Barbara J. Luther  
Name of Person Signing  
Registration No. 33,954Barbara J. Luther  
SignatureMarch 20, 1996  
DateTotal number of pages comprising cover sheet, attachments and document: 4

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks

Box Assignments

Washington, D.C. 20231

ASSIGNMENT

For good and valuable consideration, receipt of which is hereby acknowledged, we

Roger Coleman of 260 Mariposa, #2, Mountain View, California 94041;  
Susan G. Stuart of 1256 Birch Street, Montara, California 94037;

are the inventors of the invention in:

A NOVEL HUMAN JAK2 KINASE

for which we have executed an application for a Patent in the United States on 2/29/96, and 2/27/96, respectively, which is identified as Incyte Docket No. PF-0049 US.

and WHEREAS, Incyte Pharmaceuticals, Inc., a Delaware Corporation, having a place of business at: 3174 Porter Drive, Palo Alto, California 94304, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof; and all Patents of the United States which be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Assistant Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, WE hereunto set our hands and seals the day and year set opposite our respective signatures.

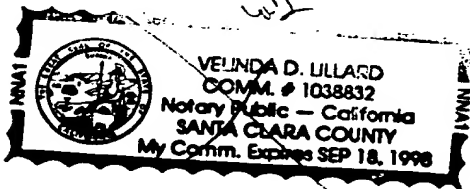
Executed this 29 day of Feb. 1996

  
\_\_\_\_\_  
Roger Coleman

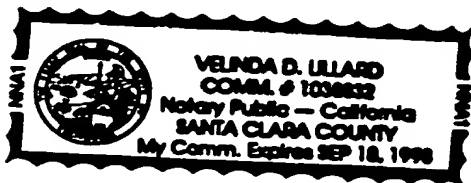
State of California )  
                                  ) ss.  
County of Santa Clara )

On this 29th day of February in the year 1996, before me, Velinda D. Lillard, Notary Public, personally appeared, Roger Coleman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



  
\_\_\_\_\_  
Notary's signature



Executed this 27 day of February, 1996

Susan G. Stuart  
Susan G. Stuart

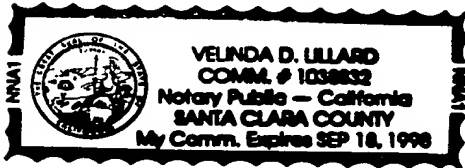
State of California )

ss. \_\_\_\_\_

County of Santa Clara )

On this 27th day of February in the year 1996, before me, Velinda D. Lillard, Notary Public, personally appeared, Susan G. Stuart, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Velinda D. Lillard

Notary's signature